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Attorneys for Defendants and Cross-Complainants
 XINGKE ELECTRONICS (DONGGUAN) CO., LTD.,
 formerly known as SINCO ELECTRONICS (DONGGUAN)
 CO., LTD.; LIEW YEW SOON aka MARK LIEW;
 NG CHER YONG aka CY NG; and MUI LIANG TJOA

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

SINCO TECHNOLOGIES PTE LTD.,

Plaintiff,

vs.

SINCO ELECTRONICS (DONGGUAN) CO.,
 LTD.; XINGKE ELECTRONICS
 (DONGGUAN) CO., LTD.; XINGKE
 ELECTRONICS TECHNOLOGY CO., LTD.;
 SINCOO ELECTRONICS TECHNOLOGY
 CO., LTD.; MUI LIANG TJOA (an individual);
 NG CHER YONG aka CY NG (an individual);
 and LIEW YEW SOON aka MARK LIEW (an
 individual),

Defendants.

CASE NO. 3:17-cv-05517-EMC

**DEFENDANTS' MOTION TO SHORTEN
 TIME TO CONSIDER MOTION FOR
 ADMINISTRATIVE RELIEF REGARDING
 PLAINTIFF'S PREMATURE DAUBERT
 MOTION IN LIMINE**

Court: The Honorable Edward M. Chen
 Courtroom: 5, 17th Floor

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AND RELATED COUNTER-CLAIMS.

Pursuant to Civil Local Rule 6-3, Defendants move for an order shortening time to consider Defendants' Motion for Administrative Relief Regarding Plaintiff's Premature *Daubert* Motion in Limine.

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ARGUMENT

On March 26, 2021, Plaintiff filed a *Daubert* motion in limine – styled as a “motion to strike” – seeking to exclude Defendants' expert witnesses from testifying at trial. As set forth in Defendants' motion for administrative relief concurrently filed herewith, Plaintiff's *Daubert* motion was filed in violation of the Court's Third Amended Case Management Pretrial Order for Jury Trial (“Third Amended CMO”). (See DKT. 380.)

The Third Amended CMO governs the submission of motions in limine, and specifically provides that any oppositions thereto are not required to be served until September 10, 2021, which is twenty-five (25) days prior to the pretrial conference set for October 5, 2021. Plaintiff, by filing its *Daubert* Motion a motion to strike, is attempting – in violation of the Court's orders – to force Defendants to prematurely file their opposition to a motion in limine five months before it is due, and to improperly allow Plaintiff to exceed the page limit and submit a reply brief.

Defendants asked that Plaintiff withdraw its motion, but Plaintiff did not respond. (See Declaration of Kathleen E. Alparce (“Alparce Decl.”) attached hereto at ¶ 6.)

Because Defendants' opposition to the *Daubert* Motion is currently due April 9, 2021, Defendants seek immediate relief through their administrative motion, requesting that the Court enter an order striking or denying Plaintiff's *Daubert* Motion, without prejudice to Plaintiff submitting motions in limine in accordance with the procedures set forth in the Third Amended CMO.

Good cause exists for the Court to shorten time to consider Defendants' Motion for Administrative Relief Regarding Plaintiff's Premature *Daubert* Motion in Limine given that Defendants' opposition is currently due April 9, 2021. Otherwise, Defendants will be prejudiced by being forced to prematurely file their opposition to the *Daubert* motion in limine more than five months before required to do so pursuant to the Third Amended CMO. (See Alparce Decl. ¶ 7.)

1 Defendants therefore respectfully request that the Court shorten time to consider Defendants'
2 motion for administrative relief regarding Plaintiff's premature *Daubert* motion in limine, and
3 immediately consider and grant their request to strike or deny Plaintiff's *Daubert* motion, without
4 prejudice to Plaintiff submitting motions in limine in accordance with the procedures set forth in the
5 Third Amended CMO. Granting these requests will have no effect on the current case management
6 schedule set forth in the Third Amended CMO.

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8 Respectfully submitted,

9 Dated: April 6, 2021

WHGC, P.L.C.

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11 By: /s/ Kathleen E. Alparce

12 Jeffrey C.P. Wang

13 Michael G. York

Kathleen E. Alparce

Jessica A. Crabbe

14 Attorneys for Defendants and Cross-Complainants
15 XINGKE ELECTRONICS (DONGGUAN) CO., LTD.,
16 NG CHER YONG AKA CY NG, LIEW YEW SOON
17 AKA MARK LIEW, AND MUI LIANG TJOA AKA
18 ML TJOA
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CERTIFICATE OF SERVICE

The undersigned hereby certify that a true and correct copy of Defendants' Motion to Shorten Time to Consider Motion for Administrative Relief Regarding Plaintiff's Premature Daubert Motion in Limine, filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated on non-registered participants on **April 6, 2021**.

Executed on **April 6, 2021**, at Newport Beach, California.

/s/ Martha Valenzuela
MARTHA VALENZUELA